

ZB# 03-22

Dale Clark

78-1-11

ZONING BOARD OF APPEALS
TOWN OF NEW WINDSOR
555 UNION AVENUE
NEW WINDSOR, N.Y. 12553

APPROVED

6/9/03

— ZBA 03-22 DALE CLARK (AREA)
17 CREAMERY DR. (78-1-11)

APPLICATION FEE (DUE AT TIME OF FILLING OF APPLICATION)

FILE # 03-22 TYPE: AREA ✓ USE

APPLICANT: Dale Clark

17 Creamery Drive

New Windsor, NY

TELE: 565-3837

RESIDENTIAL: \$ 50.00 CHECK # 574

COMMERCIAL: \$150.00 CHECK #

INTERPRETATION: \$150.00 CHECK #

ESCROW: ~~\$500.00~~ ^{300.00} CHECK # 575

DISBURSEMENTS:

	MINUTES \$4.50 PER PAGE	ATTORNEY FEES \$35.00 / MEETING
PRELIM..... <u>5/12</u> ...	\$ <u>13.50</u>	\$ <u>35.00</u>
2 ND PRELIM.....	<u> </u>	<u> </u>
3 RD PRELIM.....	<u> </u>	<u> </u>
PUB HEARING... <u>6/9/03</u> ...	<u>13.50</u>	<u>35.00</u>
PUB HEARING (CONT')...	<u> </u>	<u> </u>
TOTAL	\$ <u>27.00</u>	\$ <u>70.00</u>

OTHER CHARGES:..... \$

• • • • •

ESCROW POSTED: \$ 300.00
 AMOUNT DUE: \$
 REFUND DUE: \$ 203.00

-----X
In the Matter of the Application of

MEMORANDUM OF
DECISION GRANTING

DALE CLARK

AREA

CASE #03-22
-----X

WHEREAS, Dale Clark , owners of 17 Creamery Drive, New Windsor, New York, 12553, has made application before the Zoning Board of Appeals for a/an 8.5 ft. Required Side Yard Setback for existing shed; and

WHEREAS, a public hearing was held on the 9th day of June 2003 before the Zoning Board of Appeals at the Town Hall, New Windsor, New York; and

WHEREAS, the Applicant appeared on behalf of this Application; and

WHEREAS, there was one (1) spectator appearing at the public hearing; and

WHEREAS, one (1) person spoke and raised certain questions with respect to the application but, stated she had no opposition to the granting of the application; and

WHEREAS, a decision was made by the Zoning Board of Appeals on the date of the public hearing granting the application; and

WHEREAS, the Zoning Board of Appeals of the Town of New Windsor sets forth the following findings in this matter here memorialized in furtherance of its previously made decision in this matter:

1. The notice of public hearing was duly sent to residents and businesses as prescribed by law and published in The Sentinel, also as required by law.
2. The Evidence presented by the Applicant showed that:
 - (a) The property is a residential property located in the neighborhood of residential properties.
 - (b) The shed in questions predates the present ownership of the property, having been constructed at or prior to 1988.
 - (c) Since the construction of the shed, there have been no complaints either formal or informal about the shed.

- (d) The shed does not create the ponding or collection of water or divert the flow of water drainage from the property.
- (e) The shed is similar in size and appearance to other sheds in the neighborhood.
- (f) The shed is not built on top of any water, sewer or other easements.
- (g) The shed is not built on the top of any well or septic system.

WHEREAS, The Zoning Board of Appeals of the Town of New Windsor makes the following conclusions of law here memorialized in furtherance of its previously made decision in this matter:

1. The requested variance(s) will not produce an undesirable change in the character of the neighborhood or create a detriment to nearby properties.
2. There is no other feasible method available to the Applicant which can produce the benefits sought.
3. The variance(s) requested are substantial in relation to the Town regulations but nevertheless are warranted.
4. The requested variance(s) will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or zoning district.
5. The difficulty the Applicant faces in conforming to the bulk regulations is self-created but nevertheless should be allowed.
6. The benefit to the Applicant, if the requested variance(s) are granted, outweighs the detriment to the health, safety and welfare of the neighborhood or community.
7. The requested variance(s) are appropriate and are the minimum variance(s) necessary and adequate to allow the Applicant relief from the requirements of the Zoning Local Law and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.
8. The interests of justice will be served by allowing the granting of the requested area variance(s).

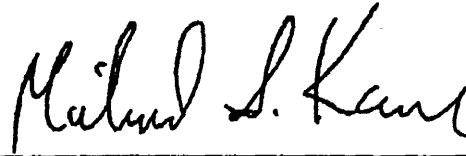
NOW, THEREFORE, BE IT

RESOLVED, that the Zoning Board of Appeals of the Town of New Windsor GRANT a request for a 8.5 ft. Required Side Yard Setback for existing shed as sought by the Applicant in accordance with plans filed with the Building Inspector and presented at the public hearing.

BE IT FURTHER

RESOLVED, that the Secretary of the Zoning Board of Appeals of the Town of New Windsor transmit a copy of this decision to the Town Clerk, Town Planning Board and Applicant.

Dated: August 18, 2003

A handwritten signature in cursive script, reading "Michael S. Kane". The signature is written in dark ink and is positioned above a horizontal line.

Chairman

**OFFICE OF THE BUILDING INSPECTOR
TOWN OF NEW WINDSOR
ORANGE COUNTY, NEW YORK**

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

**APPLICANT IS TO PLEASE CONTACT THE ZONING BOARD SECRETARY AT (845) 563-4615 TO
MAKE AN APPOINTMENT WITH THE ZONING BOARD OF APPEALS.**

DATE: April 29, 2003

**APPLICANT: Dale Clark
17 Creamery Drive
New Windsor, NY 12553**

COPY

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATE: April 22, 2003

FOR : Dale Clark

LOCATED AT: 17 Creamery Drive

ZONE: Sec/Blk/ Lot: 78-1-11

DESCRIPTION OF EXISTING SITE: Existing 8 x 10 shed 3.5' from property line

IS DISAPPROVED ON THE FOLLOWING GROUNDS: 48-14, A-1b

1. Accessory buildings -- such building shall be set back 10' from any lot line. Existing shed is 3.5' from side property line. A variance of 6.5' is required.


BUILDING INSPECTOR

PERMITTED

PROPOSED OR
AVAILABLE:

VARIANCE
REQUEST:

ZONE: CL-1 USE: 8 x 10 Shed

MIN LOT AREA:

MIN LOT WIDTH:

REQ'D FRONT YD: 12

REQ'D SIDE YD: 10'

3.5'

8.5'

REQ'D TOTAL SIDE TD:

REQ'D REAR YD:

REQ'D FRONTAGE:

MAX BLDG HT:

FLOOR AREA RATIO:

MIN LIVABLE AREA:

DEV COVERAGE:

cc: Z.B.A., APPLICANT, FILE, W/ ATTACHED MAP

APPROVED

03-22

PLEASE ALLOW FIVE TO TEN DAYS TO PROCESS
IMPORTANT
YOU MUST CALL FOR ALL REQUIRED INSPECTIONS OF CONSTRUCTION

Other inspections will be made in most cases but those listed below must be made or Certificate of Occupancy may be withheld. Do not mistake an unscheduled inspection for one of those listed below. Unless an inspection report is left on the job indicating approval of one of these inspections it has not been approved and it is improper to continue beyond that point in the work. Any disapproved work must be reinspected after correction.

1. When excavating is complete and footing forms are in place (before pouring.)
2. Foundation inspection. Check here for waterproofing and footing drains.
3. Inspect gravel base under concrete floors and under slab plumbing.
4. When framing, rough plumbing, rough electric and before being covered.
5. Insulation.
6. Final inspection for Certificate of Occupancy. Have on hand electrical inspection data and final certified plot plan. All must be completed at this time. Well water test required and engineer's certification letter for septic system required.
7. Driveway inspection must meet approval of Town Highway Superintendent. A driveway bond may be required.
8. \$50.00 charge for any site that calls for the inspection twice.
9. Call 24 hours in advance, with permit number, to schedule inspection.
10. There will be no inspections unless yellow permit card is posted.
11. Sewer permits must be obtained along with building permits for new houses.
12. Septic permit must be submitted with engineer's drawing and percolation test.
13. Road opening permits must be obtained from Town Clerk's office.
14. All building permits will need a Certificate of Occupancy or a Certificate of Compliance and here is no fee for this.

RECEIVED

APR 21 2003

BUILDING DEPARTMENT

FOR OFFICE USE ONLY:
Building Permit # 2003-357

AFFIDAVIT OF OWNERSHIP AND/OR CONTRACTOR'S COMP & LIABILITY INSURANCE CERTIFICATE IS REQUIRED BEFORE THE BUILDING PERMIT APPLICATION WILL BE ACCEPTED AND/OR ISSUED

PLEASE PRINT CLEARLY - FILL OUT ALL INFORMATION WHICH APPLIES TO YOU

Owner of Premises DALE R. CLARK

Address 17 Cresswell Dr, New Windsor Phone # 565-3897

Mailing Address _____ Fax # _____

Name of Architect _____

Address _____ Phone _____

Name of Contractor _____

Address _____ Phone _____

State whether applicant is owner, lessee, agent, architect, engineer or builder _____

If applicant is a corporation, signature of duly authorized officer _____

(Name and title of corporate officer)

1. On what street is property located? On the EAST side of CREMERY DR
(N, S, E or W)
and 1000' SOUTH feet from the intersection of BUTLER DR

2. Zone or use district in which premises are situated _____ is property a flood zone? Y _____ N _____

3. Tax Map Description: Section 7E Block 1 Lot 11

4. State existing use and occupancy of premises and intended use and occupancy of proposed construction.

a. Existing use and occupancy 1 FAMILY b. Intended use and occupancy 1 FAMILY

5. Nature of work (check if applicable) ☐ New Bldg. ☐ Addition ☐ Alteration ☐ Repair ☐ Removal ☐ Demolition ☒ Other

6. Is this a corner lot? ✓ NO

EXISTING SHED
8x10

7. Dimensions of entire new construction. Front _____ Rear _____ Depth _____ Height _____ No. of stories _____

8. If dwelling, number of dwelling units: _____ Number of dwelling units on each floor _____

Number of bedrooms _____ Baths _____ Toilets _____ Heating Plant: Gas _____ Oil _____
Electric/Hot Air _____ Hot Water _____ If Garage, number of cars _____

9. If business, commercial or mixed occupancy, specify nature and extent of each type of use _____

10. Estimated cost _____ Fee _____

\$50.00

PAID

& 0.00 50.00

date

APPLICATION FOR BUILDING PERMIT
TOWN OF NEW WINDSOR, ORANGE COUNTY, NEW YORK
Pursuant to New York State Building Code and Town Ordinances

Building Inspector: Michael L. Babcock
Asst. Inspectors: Frank Liel & Louis Kryshnar
New Windsor Town Hall
555 Union Avenue
New Windsor, New York 12553
(845) 563-4818
(845) 563-4885 FAX

Bldg Insp Examined _____
Fire Insp Examined _____
Approved _____
Disapproved _____
Permit No. _____

INSTRUCTIONS

- A. This application must be completely filled in by typewriter or in ink and submitted to the Building Inspector.
- B. Plot plan showing location of lot and buildings on premises, relationship to adjoining premises or public streets or areas, and giving a detailed description of layout of property must be drawn on the diagram, which is part of this application.
- C. This application must be accompanied by two complete sets of plans showing proposed construction and two complete sets of specifications. Plans and specifications shall describe the nature of the work to be performed, the materials and equipment to be used and installed and details of structural, mechanical and plumbing installations.
- D. The work covered by this application may not be commenced before the issuance of a Building Permit.
- E. Upon approval of this application, the Building Inspector will issue a Building Permit to the applicant together with approved set of plans and specifications. Such permit and approved plans and specifications shall be kept on the premises, available for inspection throughout the progress of the work.
- F. No building shall be occupied or used in whole or in part for any purpose whatever until a Certificate of Occupancy shall have been granted by the Building Inspector.

APPLICATION IS HEREBY MADE to the Building Inspector for the issuance of a Building Permit pursuant to the New York Building Construction Code Ordinances of the Town of New Windsor for the construction of buildings, additions, or alterations, or for removal or demolition or use of property as herein described. The applicant agrees to comply with all applicable laws, ordinances, regulations and certifies that he is the owner or agent of all that certain lot, piece or parcel of land and/or building described in this application and if not the owner, that he has been duly and properly authorized to make this application and to assume responsibility for the owner in connection with this application.

(Signature of Applicant)

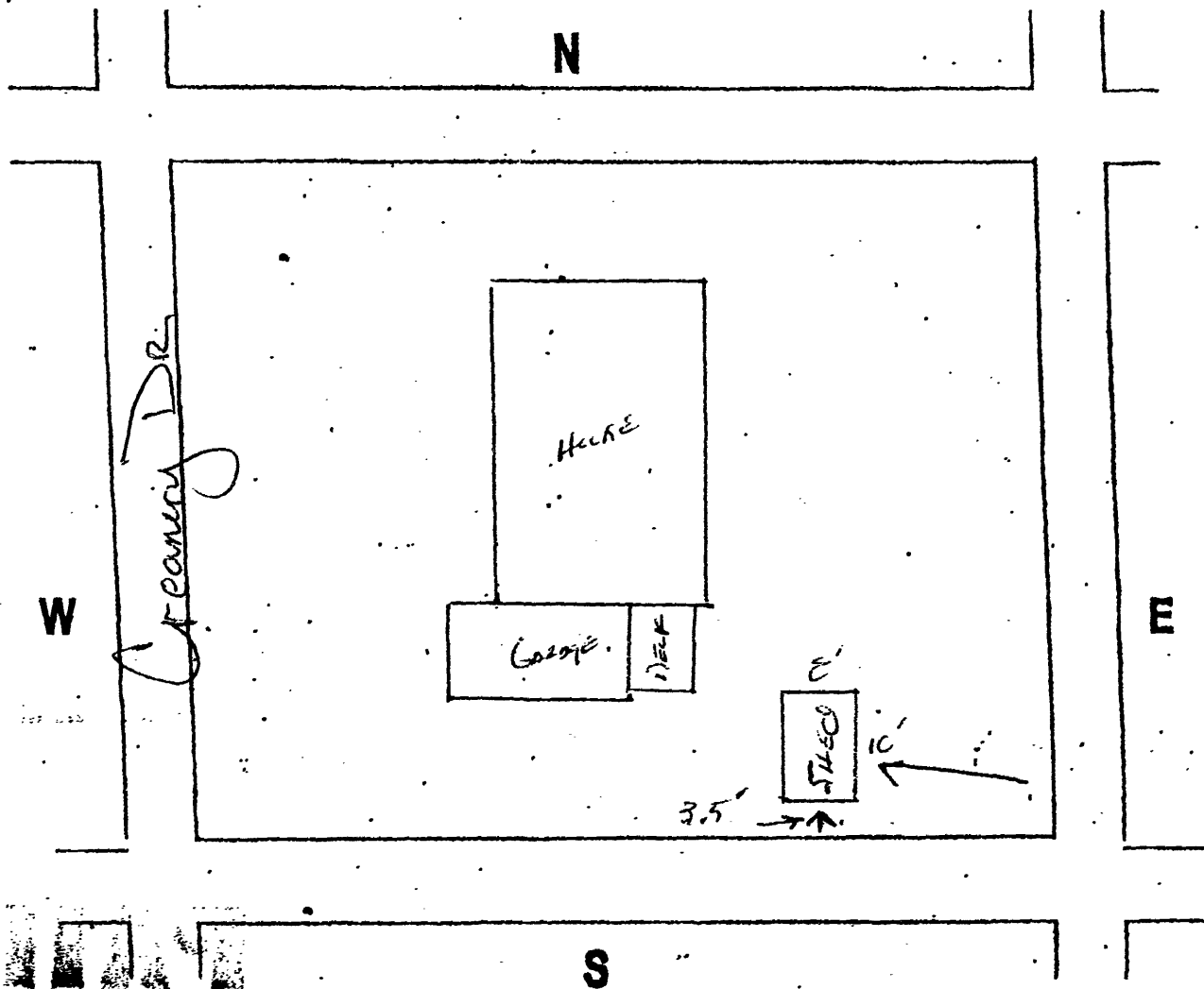
(Address of Applicant)

(Owner's Signature)

(Owner's Address)

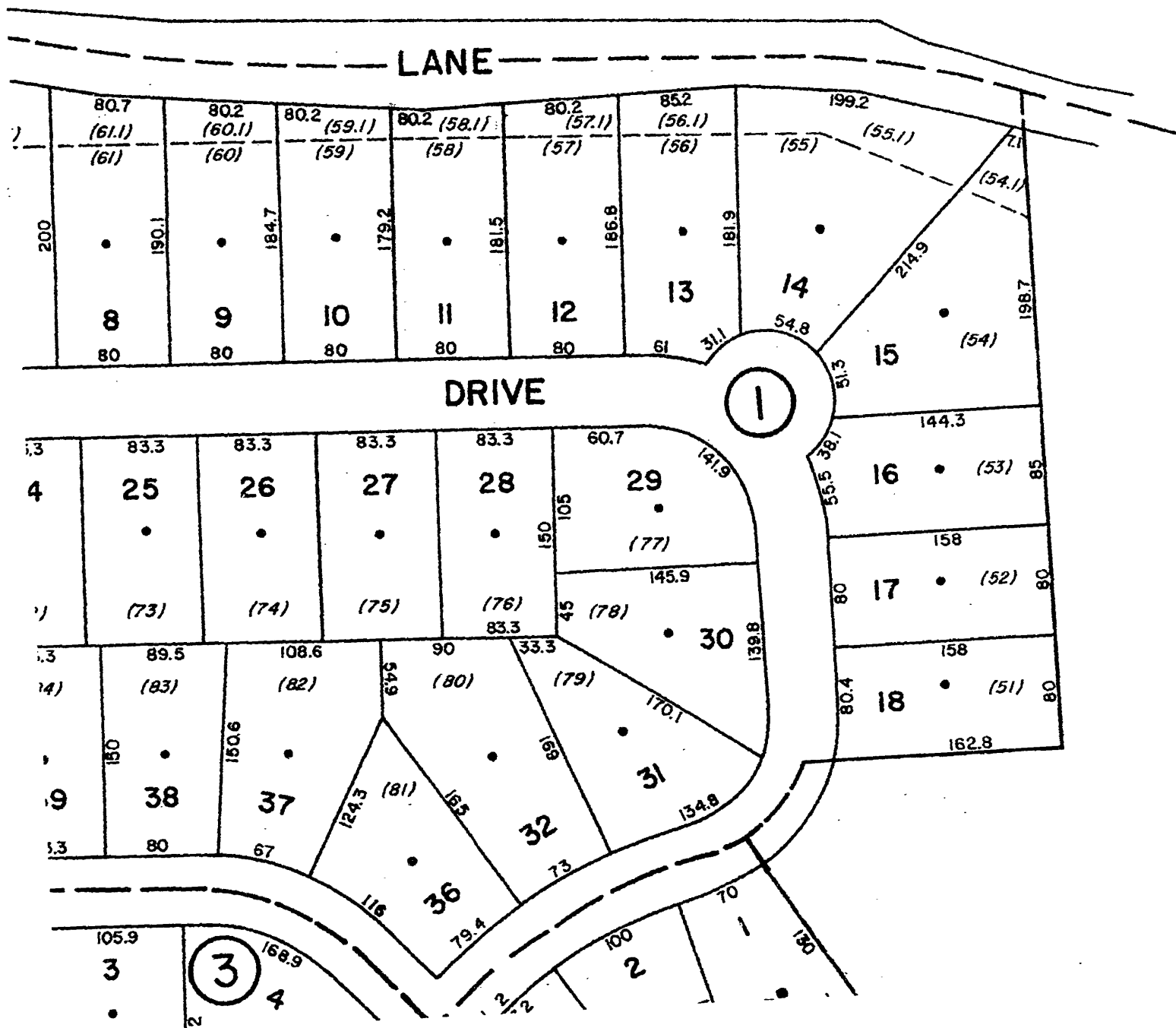
NOTE:

Locate all buildings and indicate all set back dimensions. Applicant must indicate the building line or lines clearly and distinctly on the drawings.



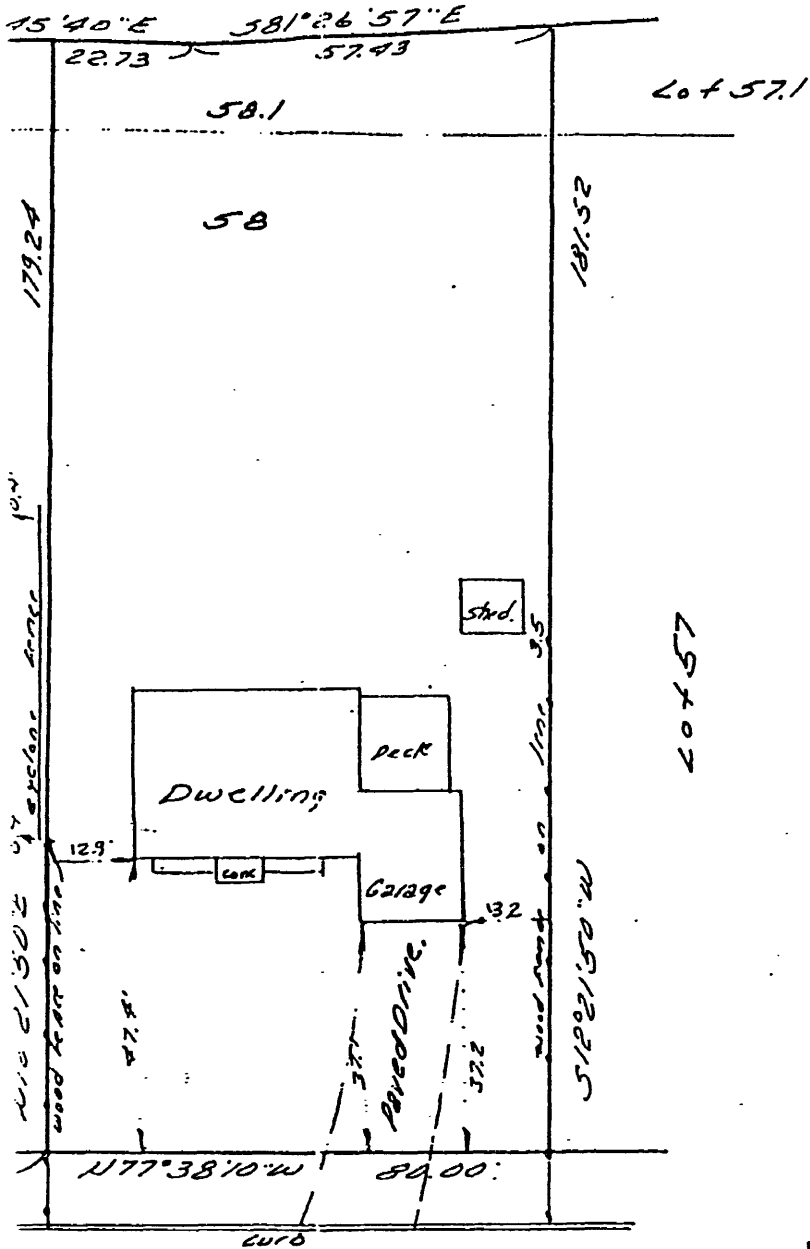
PLEASE ALLOW FIVE TO TEN DAYS TO PROCESS
IMPORTANT

SECTION 47



Town of New Windsor
Section 7B Block 1 &
Map Reference:
"Butter Hill" Section
Filed 7/20/1978
Map No 4581

Cesar's Lane



Creamery Drive
50 wide.

SURVEY MAP FOR

Michael Pospr
Karen Starstro

SCALE: 1"=30'

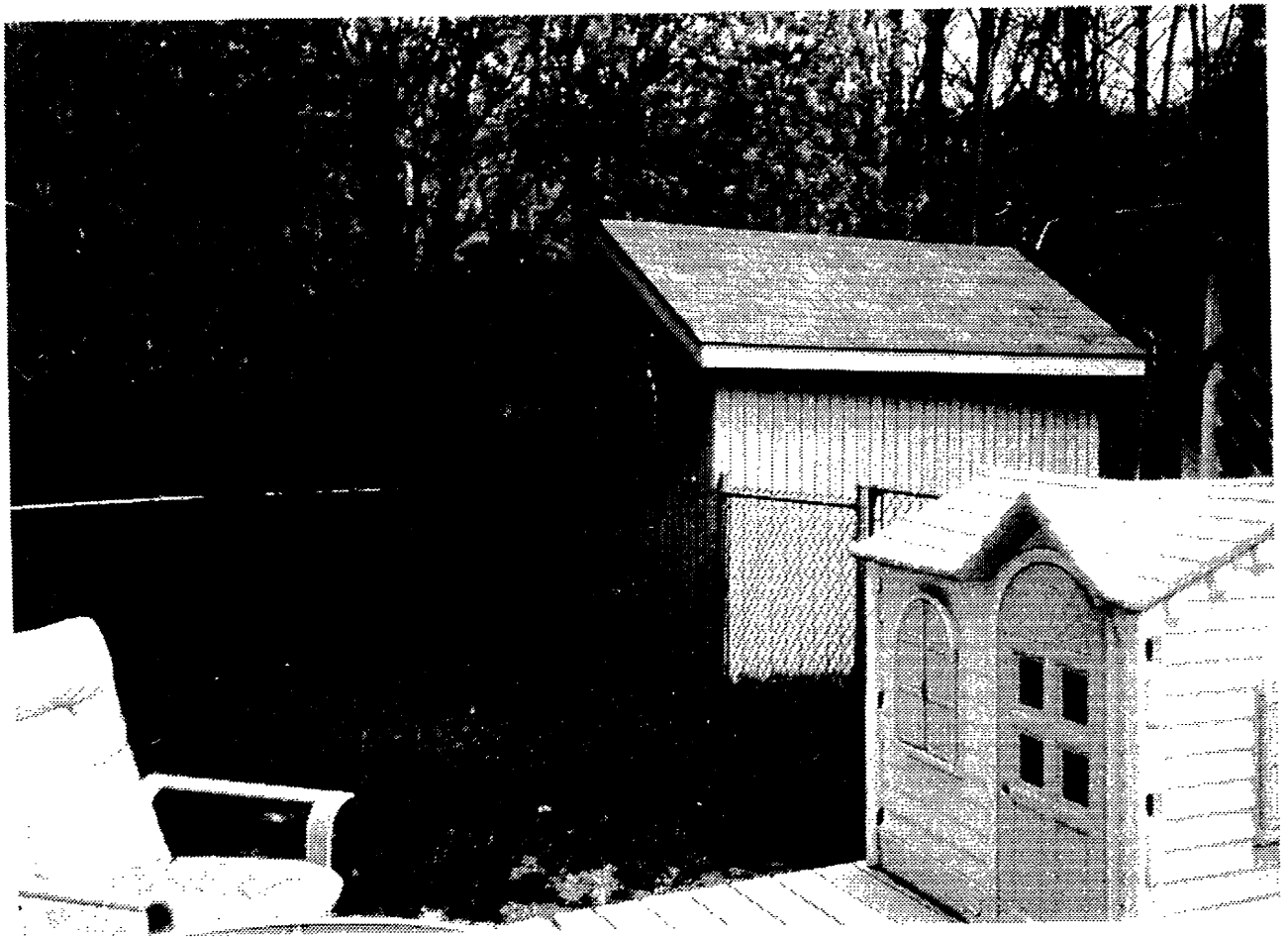
APPROVED BY:

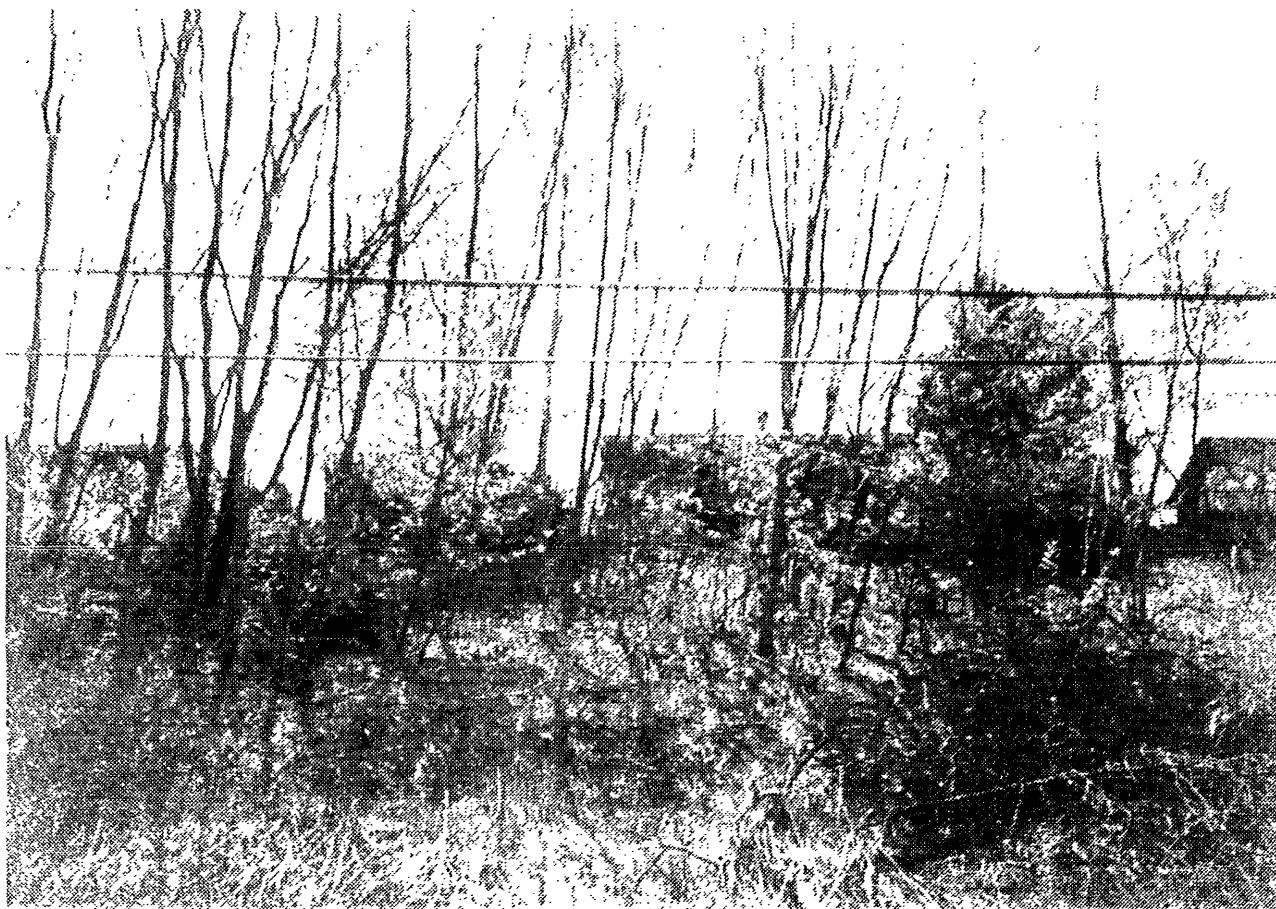
DATE: 8/3/1988

Town of New Windsor

Orang









Town of New Windsor

555 Union Avenue
New Windsor, New York 12553
Telephone: (845) 563-4615
Fax: (845) 563-4695

OFFICE OF THE ZONING BOARD OF APPEALS

September 11, 2003

Mr. Dale Clark
17 Creamery Drive
New Windsor, NY 12553

SUBJECT: REQUEST FOR VARIANCE #03-22 (78-1-11)

Dear Mr. Clark:

Please find enclosed two copies of the Formal Decision for your case before the Zoning Board of Appeals. Please keep these copies in your records for future reference if needed.

If you are in need of any further assistance or have any questions in this matter, please feel free to contact me at the above number.

Very truly yours,


Myra Mason, Secretary to the
NEW WINDSOR ZONING BOARD

MLM:mlm

cc: Michael Babcock, Building Inspector

**TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS
OFFICE
845-563-4615**

MEMORANDUM

TO: LARRY REIS, COMPTROLLER
FROM: MYRA MASON, SECRETARY TO THE ZONING BOARD
DATE: 07-15-2003
SUBJECT: ZBA #03-22 - CLARK

**PLEASE ISSUE A CHECK IN THE AMOUNT OF \$ 203.00 TO CLOSE OUT
ESCROW FOR:**

ZBA FILE #03-22

NAME: DALE CLARK

ADDRESS: 17 CREAMERY DRIVE

NEW WINDSOR, NY 12553

THANK YOU,

MYRA



**TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS
RECORD OF CHARGES & PAYMENTS**



FILE #03-22 TYPE: AREA

APPLICANT:
DALE CLARK

TELEPHONE: 565-3837

RESIDENTIAL:	\$ 50.00	CHECK # 574
COMMERCIAL	\$ 150.00	CHECK #
INTERPRETATION	\$ 150.00	CHECK #

ESCROW: RESIDENTIAL \$300.00 CHECK # 575

* * * * * * * * * * * * *

<u>DISBURSEMENTS:</u>		<u>MINUTES</u> <u>\$4.50 / PAGE</u>	<u>ATTORNEY</u> <u>FEE</u>
PRELIMINARY:	<u>3</u> PAGES	\$ <u>13.50</u>	\$ <u>35.00</u>
2 ND PRELIMINARY:	<u> </u> PAGES	\$ <u> </u>	\$ <u> </u>
PUBLIC HEARING:	<u>3</u> PAGES	\$ <u>13.50</u>	\$ <u>35.00</u>
PUBLIC HEARING:	<u> </u> PAGES	\$ <u> </u>	\$ <u> </u>
	TOTAL:	\$ <u>27.00</u>	\$ <u>70.00</u>

* * * * * * * * * * * * *

ESCROW POSTED: \$ 300.00
LESS: DISBURSEMENTS: \$ 97.00

AMOUNT DUE: \$

REFUND DUE: \$ 203.00

L.R. 7-15-03 @

DALE CLARK (03-22)

Mr. Dale Clark appeared before the board for this proposal.

MR. TORLEY: Request for 8.5 ft. required side yard setback for existing shed at 17 Creamery Drive in a CL zone. Again, is there anyone in the audience who wishes to speak on this matter?

MS. MASON: On May 20, 54 addressed envelopes containing the public hearing notice were mailed out with no response.

MR. CLARK: Good evening, I'm requesting a variance for a side yard setback for a shed. The shed was pre-existing my ownership of the property. It currently sets 3 1/2 feet from the side yard and I believe it needs to be 12 feet for a side yard setback.

MR. TORLEY: So this is an existing shed, are you replacing the shed or just making it legal?

MR. CLARK: Making it legal. The shed was there prior to my ownership of the property in '92. If you refer to the survey, it shows the shed in its current location and it's dated August 3 of 1988, that shed has been at the same location and at the time I purchased property, I never had a C.O. or no one's ever required a C.O. for the shed. So I'm selling the property now and just trying to correct this matter prior to the transfer in ownership. If you look at the photographs--

MR. TORLEY: There's a chain link fence around the shed?

MR. CLARK: Right, if I move the shed, I'd compromise the fence and the landscaping and if you take note just behind the shed, the property's fairly sloped down to Caesar's Lane, nearly half my property is sloped, it's very limited space to place the shed on the property.

MR. RIVERA: Have you had any complaints formal or informal?

MR. CLARK: No, I haven't. This matter was never brought up for the closing but I wanted to correct it just to avoid the problem in case it does come up.

MR. KANE: As far as you know, there's no water hazards? Did you guys cover--no creation or water hazards or runoffs?

MR. CLARK: No. Nearly half the property slopes off to Caesar's Lane.

MR. KANE: Shed itself is similar to other sheds in the neighborhood?

MR. CLARK: Yes, it is.

MR. TORLEY: And you have the fence for safety reasons, the back fence to keep your kid from tumbling over?

MR. CLARK: Yes.

MR. KRIEGER: It's not built on the top of water, sewer or any other easements?

MR. CLARK: No, it's not.

MR. KRIEGER: Well or septic system?

MR. CLARK: Municipal services.

MR. TORLEY: Gentlemen, with your permission, I will open it up to the public. Ma'am, do you understand?

MS. JEFFERSON-ATTIA: I don't have any questions, no.

MR. TORLEY: Do you have any objection to the granting of the variance?

MS. JEFFERSON-ATTIA: No.

MR. TORLEY: Close it up and open it back to the members of the board. Do you have any other questions, gentlemen?

June 9, 2003

42

MR. RIVERA: Accept a motion?

MR. TORLEY: Yes, sir.

MR. RIVERA: Motion we grant Mr. Dale Clark his required side yard setback for the existing shed at 17 Creamery Drive.

MR. MC DONALD: Second it.

ROLL CALL

MR. KANE	AYE
MR. RIVERA	AYE
MR. MC DONALD	AYE
MR. TORLEY	AYE

TOWN OF NEW WINDSOR ZONING BOARD
PUBLIC HEARING FOR:

Dale Clark
DATE: 6/9/03

SIGN-IN SHEET

NAME	ADDRESS
1. <u>Rochelle Jefferson Attn</u>	<u>35 Charming Drive</u>
2. _____	_____
3. _____	_____
4. _____	_____
5. _____	_____
6. _____	_____
7. _____	_____
8. _____	_____
9. _____	_____
10. _____	_____
11. _____	_____
12. _____	_____
13. _____	_____
14. _____	_____
15. _____	_____
16. _____	_____
17. _____	_____
18. _____	_____
19. _____	_____
20. _____	_____

**ZONING BOARD OF APPEALS: TOWN OF NEW WINDSOR
COUNTY OF ORANGE: STATE OF NEW YORK**

-----X

In the Matter of the Application for Variance of

DALE CLARK

AFFIDAVIT OF
SERVICE
BY MAIL

#03-22

----- X

STATE OF NEW YORK)

) SS:

COUNTY OF ORANGE)

MYRA L. MASON, being duly sworn, deposes and says:

That I am not a party to the action, am over 18 years of age and reside at 67 Bethlehem Road, New Windsor, NY 12553.

That on the 20TH day of MAY, 2003, I compared the 54 addressed envelopes containing the Public Hearing Notice pertinent to this case with the certified list provided by the Assessor's Office regarding the above application for a variance and I find that the addresses are identical to the list received. I then placed the envelopes in a U.S. Depository within the Town of New Windsor.

Sworn to before me this

Myra L. Mason
Myra L. Mason, Secretary

21st day of May, 2003

[Signature]
Notary Public

JENNIFER MEAD
Notary Public, State Of New York
No. 01ME6050024
Qualified In Orange County
Commission Expires 10/30/ 2006



Town of New Windsor

555 Union Avenue
New Windsor, New York 12553
Telephone: (845) 563-4631
Fax: (845) 563-4693

Assessor's Office

May 16, 2003

Dale Clark
17 Creamery Drive
New Windsor, NY 12553

Re: 78-1-11 ZBA#03-22

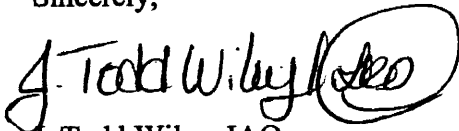
Dear Mr. Clark:

According to our records, the attached list of property owners are within five hundred (500) feet of the above referenced property.

The charge for this service is \$75.00, minus your deposit of \$25.00.

Please remit the balance of \$50.00 to the Town Clerk's Office.

Sincerely,


J. Todd Wiley, IAO
Sole Assessor

JTW/lrd
Attachments

CC: Myra Mason, ZBA

54

47-1-21
Barbara Simon
Helen Wright
174 Caesars Lane
New Windsor, NY 12553

47-1-22
Gloria Latorre
John & Rosella Sprenkle
5 Louise Drive
New Windsor, NY 12553

47-1-27
Christopher & Meghan Schultz
9 Louise Drive
New Windsor, NY 12553

47-1-28
Richard & Dawn Vacek
7 Louise Drive
New Windsor, NY 12553

47-1-29
Gina & Joseph Herska
162 Caesars Lane
New Windsor, NY 12553

47-1-30.1
Michael & Maria Mc Govern
160 Caesars Lane
New Windsor, NY 12553

47-1-30.21
Albert & Herta Koenig
156 Caesars Lane
New Windsor, NY 12553

47-1-30.221 & 47-1-31
Anthony & Marilyn Capicotto
11 Louise Drive
New Windsor, NY 12553

47-1-30.222
County of Orange
255-275 Main Street
Goshen, NY 10924

47-1-33
Debra Ann Capicotto
13 Louise Drive
New Windsor, NY 12553

47-1-34
Ray & Lorena Reyes
15 Louise Drive
New Windsor, NY 12553

47-1-46
William Gallagher
8 Garden Drive
New Windsor, NY 12553

47-1-47
Peter Callas
10 Garden Drive
New Windsor, NY 12553

47-1-48.1 & 47-1-49.1 & 47-1-49.2
Windsor Enterprises, Inc.
5020 Route 9W
Newburgh, NY 12550

78-1-4
Ross & Marianne Miller
3 Creamery Drive
New Windsor, NY 12553

78-1-5
Susan Wool
5 Creamery Drive
New Windsor, NY 12553

78-1-6
Louis Miller
Carol Chillemi
7 Creamery Drive
New Windsor, NY 12553

78-1-7
Michael & Barna Arduino
9 Creamery Drive
New Windsor, NY 12553

78-1-8
Timothy & Renee Byassee
11 Creamery Drive
New Windsor, NY 12553

78-1-9
Richard & Kristina O'Dell
13 Creamery Drive
New Windsor, NY 12553

78-1-10
Thomas & Elipidia Grau
15 Creamery Drive
New Windsor, NY 12553

78-1-12
Sultana Bader
67 Lexington Drive
Newburgh, NY 12550

78-1-13
Carol Ann Malagoli
21 Creamery Drive
New Windsor, NY 12553

78-1-14
Raymond & Pamela Moy
23 Creamery Drive
New Windsor, NY 12553

78-1-15
Nestor & Nilsa Capifali
25 Creamery Drive
New Windsor, NY 12553

78-1-16
Anthony & Xiomara Miele
27 Creamery Drive
New Windsor, NY 12553

78-1-17
John Jr. & Deborah Combs
29 Creamery Drive
New Windsor, NY 12553

78-1-18
Leonard Campanale
31 Creamery Drive
New Windsor, NY 12553

78-1-21
Edward & Judith Broker
6 Creamery Drive
New Windsor, NY 12553

78-1-22
Kevin & Kathleen O'Connor
8 Creamery Drive
New Windsor, NY 12553

78-1-23
Thomas & Loretta Guild
10 Creamery Drive
New Windsor, NY 12553

78-1-24
Suzanne Popp
12 Creamery Drive
New Windsor, NY 12553

78-1-25
Randy & Nancy Tapia
14 Creamery Drive
New Windsor, NY 12553

78-1-26
Bruce & Amy Joy Schwartz
16 Creamery Drive
New Windsor, NY 12553

78-1-27
James & Lynn Lilla
18 Creamery Drive
New Windsor, NY 12553

78-1-28
Charles & Nancy Thompson
20 Creamery Drive
New Windsor, NY 12553

78-1-29
Kevin & Debbie Moore
22 Creamery Drive
New Windsor, NY 12553

78-1-30
Felix & Maria & Carmen Muniz
Denise Pagan
24 Creamery Drive
New Windsor, NY 12553

78-1-31
Jay & Donna Maer
26 Creamery Drive
New Windsor, NY 12553

78-1-32
Alexander & Jaclyn Taub
28 Creamery Drive
New Windsor, NY 12553

78-1-36
Michael & Kathleen Cardamone
30 Creamery Drive
New Windsor, NY 12553

78-1-37
Kevin & Elizabeth Houston
21 Buttermilk Drive
New Windsor, NY 12553

78-1-38
Robert & Nicolasa Patterson
19 Buttermilk Drive
New Windsor, NY 12553

78-1-39
James & Kathryn Ruggerio
17 Buttermilk Drive
New Windsor, NY 12553

78-1-40
Vincent & Patricia Armiento
15 Buttermilk Drive
New Windsor, NY 12553

78-1-41
Rick & Debbie Linken
13 Buttermilk Drive
New Windsor, NY 12553

78-1-42
James & Susan Walsh
11 Buttermilk Drive
New Windsor, NY 12553

78-3-2
Francis & Diana Fitzpatrick
26 Buttermilk Drive
New Windsor, NY 12553

78-3-3
John III & Connie Freeman
28 Buttermilk Drive
New Windsor, NY 12553

78-3-4
Richard & Veronica Doran
30 Buttermilk Drive
New Windsor, NY 12553

78-4-1
Rochelle Attia
33 Creamery Drive
New Windsor, NY 12553

78-4-2
Angelo & Diane Regan
35 Creamery Drive
New Windsor, NY 12553

78-4-3
Neal & Theresa Iaquina
37 Creamery Drive
New Windsor, NY 12553

78-4-4
Dennis & Violet Sullivan
39 Creamery Drive
New Windsor, NY 12553

TOWN OF NEW WINDSOR

REQUEST FOR NOTIFICATION LIST

DATE: MAY 13, 2003 PROJECT NUMBER: ZBA# 03-22 P.B. # _____

APPLICANT NAME: DALE CLARK

PERSON TO NOTIFY TO PICK UP LIST:

DALE CLARK
17 CREAMERY DRIVE
NEW WINDSOR, NY 12553

TELEPHONE: 565-3837

TAX MAP NUMBER:	SEC. <u>78</u>	BLOCK <u>1</u>	LOT <u>11</u>
	SEC. _____	BLOCK _____	LOT _____
	SEC. _____	BLOCK _____	LOT _____

PROPERTY LOCATION: 17 CREAMERY DRIVE
NEW WINDSOR, N Y

THIS LIST IS BEING REQUESTED BY:

NEW WINDSOR PLANNING BOARD: _____

SITE PLAN OR SUBDIVISION: (ABUTTING AND ACROSS ANY STREET) _____

SPECIAL PERMIT ONLY: (ANYONE WITHIN 500 FEET) _____

AGRICULTURAL DISTRICT:
 (ANYONE WITHIN THE AG DISTRICT WHICH IS WITHIN 500'
 OF SITE PLAN OR SUBDIVISION PROJECT) _____

❖ ❖

NEW WINDSOR ZONING BOARD XX

LIST WILL CONSIST OF ALL PROPERTY WITHIN 500 FEET OF PROJECT XX

❖ ❖

AMOUNT OF DEPOSIT: 25.00 CHECK NUMBER: 576

TOTAL CHARGES: _____

PUBLIC HEARING NOTICE
ZONING BOARD OF APPEALS
TOWN OF NEW WINDSOR

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the TOWN OF NEW WINDSOR, New York, will hold a Public Hearing pursuant to Section 48-34A of the Zoning Local Law on the following Proposition:

Appeal No. 03-22

Request of DALE CLARK

for a VARIANCE of the Zoning Local Law to Permit:

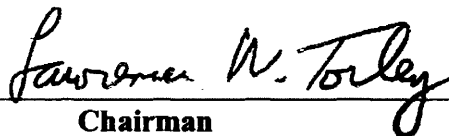
Request for 8.5 ft. Required Side Yard Setback for existing shed in a CL Zone

being a VARIANCE of Section 48-14, A-1b

for property located at: 17 Creamery Drive - New Windsor, NY

known and designated as tax map Section 78 Block 1 Lot 11

PUBLIC HEARING will take place on JUNE 9TH, 2003
at the New Windsor Town Hall, 555 Union Avenue, New Windsor, New York
beginning at 7:30 P.M.


Chairman



Town of New Windsor

555 Union Avenue
New Windsor, New York 12553
Telephone: (845) 563-4615
Fax: (845) 563-4695

ZONING BOARD OF APPEALS

May 20,. 2003

Dale Clark
17 Creamery Drive
New Windsor, NY 12553

SUBJECT: REQUEST FOR VARIANCE #03-22

Dear Mr. Clark:

This is just a reminder that your Public Hearing before the Zoning Board of Appeals for your requested variance at:

17 Creamery Drive
New Windsor, NY 12553

is scheduled for the JUNE 9TH, 2003 agenda.

This meeting starts at 7:30 p.m. and is held in the Town Meeting Room at Town Hall. If you have any questions or concerns in this matter, please feel free to contact me.

Very truly yours,

Myra Mason, Secretary
Zoning Board of Appeals

MLM:mlm

DALE CLARK (03-22)

MR. TORLEY: Request for 6.5 ft. required side yard setback for existing shed at 17 Creamery Drive in a CL zone.

Mr. Dale Clark appeared before the board for this proposal.

MR. CLARK: Good evening. I have an existing shed 3 1/2 feet from the property line, property line in question is 19 Creamery Drive, the shed pre-existed.

MR. TORLEY: 17 or 19?

MR. CLARK: I'm at 17 and the shed's 3 1/2 feet from the property line at number 19.

MR. BABCOCK: It's a 12 foot setback because I think he's in the CL-1 zone.

MR. KANE: He's in Butterhill, he should be, so it should be a 12 foot, so we need to adjust that to 8.5 if you're sure you're 3 1/2 feet off.

MR. CLARK: According to the survey dated 1988.

MR. TORLEY: Check your survey because we go by the numbers you give us. If somebody comes out and re-surveys your property and you need another three inches, you have to start all over again so check.

MR. CLARK: I'm 3 1/2 feet from the property line.

MR. BABCOCK: It is a survey telling us that.

MR. KANE: So with your permission, I'm going to change the request from 6.5 to 8.5.

MR. CLARK: Yes.

MR. TORLEY: Does this shed have any kind of a foundation?

MR. CLARK: It's on blocks.

MR. TORLEY: One of the things that you're going to be asked at a public hearing you're asking for an area variance and the board has to balance at the convenience to you or the benefit to you of being granted the variance versus any detriment to your neighbors. So one of the things is is it possible to, you'll be asked at the public hearing is it possible for you to move your shed. If not, why not.

MR. CLARK: And I have photographs here, it shows my property, it fairly slopes off from the location of the shed down towards Caesars Lane.

MR. TORLEY: Foundation is blocked up.

MR. CLARK: Very limited space in my back yard to relocate the shed.

MR. KANE: Creation of any water hazards with this?

MR. CLARK: No.

MR. KANE: Cutting down any trees? How long has the shed been up?

MR. CLARK: To my knowledge, since 1988, I bought the property in '92.

MR. KANE: Any complaints formally or informally about the shed that you know of?

MR. CLARK: No.

MR. REIS: What brings you to the board?

MR. CLARK: I'm selling the property and the issue came up.

MR. TORLEY: You do have a sloped back yard.

MR. CLARK: It's quite a severe slope.

MR. TORLEY: Dramatic slope. Gentlemen?

May 12, 2003

10

MR. KANE: Accept a motion?

MR. TORLEY: If there are no other questions.

MR. KANE: Move we set up Dale Clark for a public hearing for his requested variance at 17 Creamery Drive.

MR. RIVERA: Second it.

ROLL CALL

MR. RIVERA	AYE
MR. REIS	AYE
MR. KANE	AYE
MR. TORLEY	AYE



Town of New Windsor

555 Union Avenue
New Windsor, New York 12553
Telephone: (845) 563-4631
Fax: (845) 563-4693

Assessor's Office

May 16, 2003

Dale Clark
17 Creamery Drive
New Windsor, NY 12553

Re: 78-1-11 ZBA#03-22


Dear Mr. Clark:

According to our records, the attached list of property owners are within five hundred (500) feet of the above referenced property.

The charge for this service is \$75.00, minus your deposit of \$25.00.

Please remit the balance of \$50.00 to the Town Clerk's Office.

Sincerely,


J. Todd Wile, IAO
Sole Assessor

JTW/lrd
Attachments

CC: Myra Mason, ZBA

**Town of New Windsor
555 Union Avenue
New Windsor, NY 12553
(845) 563-4611**

**RECEIPT
#466-2003**

05/19/2003

**Clark, Dale
17 Creamery Drive
New Windsor, NY 12553**

**Received \$ 50.00 for Assessors List, on 05/19/2003. Thank you for stopping
by the Town Clerk's office.**

As always, it is our pleasure to serve you.

**Deborah Green
Town Clerk**



Town of New Windsor

555 Union Avenue
New Windsor, New York 12553
Telephone: (845) 563-4615
Fax: (845) 563-4695

ZONING BOARD OF APPEALS

May 13, 2003

Dale Clark
17 Creamery Drive
New Windsor, NY 12553

SUBJECT: PUBLIC HEARING LIST FOR ZBA FILE #03-22

Dear Mr. Clark:

On May 13th, 2003 your \$25.00 deposit check for Public Hearing List, which was submitted to me with your application, has been sent to the Assessor's Office along with a request that they prepare a list of properties located within 500 feet of your property.

The Assessor's Office will notify you when the list is complete. At that time you will be asked to come in and pick up the list and pay a balance due. When this is complete, please come to my office and we will schedule a date for your public hearing.

If you have any questions, please feel free to contact me at the above number.

Myra Mason,
Secretary to the Zoning Board of Appeals



RESULTS OF Z.B.A. MEETING OF: May 12, 2003

PROJECT: Dale Clark

ZBA # 03-22

P.B.#



USE VARIANCE: NEED: EAF PROXY

LEAD AGENCY: M) _____ S) _____ VOTE: A _____ N _____
RIVERA _____
MCDONALD _____ CARRIED: Y _____ N _____
REIS _____
KANE _____
TORLEY _____

NEGATIVE DEC: M) _____ S) _____ VOTE: A _____ N _____
RIVERA _____
MCDONALD _____ CARRIED: Y _____ N _____
REIS _____
KANE _____
TORLEY _____

PUBLIC HEARING: M) _____ S) _____ VOTE: A _____ N _____
RIVERA _____
MCDONALD _____ CARRIED: Y _____ N _____
REIS _____
KANE _____
TORLEY _____

APPROVED: M) _____ S) _____ VOTE: A _____ N _____
RIVERA _____
MCDONALD _____ CARRIED: Y _____ N _____
REIS _____
KANE _____
TORLEY _____

ALL VARIANCES - PRELIMINARY APPEARANCE:

SCHEDULE PUBLIC HEARING: M) K S) R VOTE: A 4 N 0
RIVERA A
~~MCDONALD~~ A
REIS A
KANE A
TORLEY A
CARRIED: Y ✓ N _____

PUBLIC HEARING: STATEMENT OF MAILING READ INTO MINUTES _____

VARIANCE APPROVED: M) _____ S) _____ VOTE: A _____ N _____.

RIVERA _____
MC DONALD _____ CARRIED: Y _____ N _____.
REIS _____
KANE _____
TORLEY _____

Correction - Should be 8.5' requested variance

to hazards for water - been there since 1988



Town of New Windsor

555 Union Avenue
New Windsor, New York 12553
Telephone: (845) 563-4615
Fax: (845) 563-4695

ZONING BOARD OF APPEALS

May 5, 2003

Dale Clark
17 Creamery Drive
New Windsor, NY 12553

SUBJECT: REQUEST FOR VARIANCE #03-22

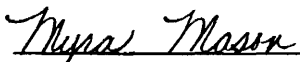
Dear Mr. Clark:

This letter is to inform you that you have been placed on the May 12th, 2003 agenda for the Zoning Board of Appeals to discuss your request for a variance at:

17 Creamery Drive
New Windsor, NY 12553

This meeting starts at 7:30 p.m. and is held in the Town Meeting Room at Town Hall. If you have a problem with this time and/or date, please contact me at the above number and we will reschedule your appearance. If you have any further questions, please feel free to contact me.

Very truly yours,


Myra Mason, Secretary
Zoning Board of Appeals

MLM:mlm

**Town of New Windsor
555 Union Avenue
New Windsor, NY 12553
(845) 563-4611**

**RECEIPT
#425-2003**

05/06/2003

**Clark, Dale
P O Box 441
Vails Gate, NY 12584**

**Received \$ 50.00 for Zoning Board Fees, on 05/06/2003. Thank you for
stopping by the Town Clerk's office.**

As always, it is our pleasure to serve you.

**Deborah Green
Town Clerk**

03-22 Application See

TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS

RECEIPT OF ESCROW RECEIVED:

DATE RECEIVED: MAY 5, 2003

FOR: **03-22 ESCROW**

FROM: **DALE CLARK**

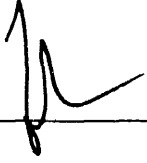
P.O. BOX 441

VAILS GATE, NY 12584

CHECK NUMBER: **575**

AMOUNT: **\$300.00**

RECEIVED AT COMPTROLLER'S OFFICE BY:



NAME

5/6/03

DATE

PLEASE RETURN SIGNED COPY TO MYRA FOR FILING

THANK YOU

26476 U3:22 ESCROW

C

DALE R. CLARK
P.O. BOX
VAILS GATE, NY 12584

565-3837

Date 5/2/03

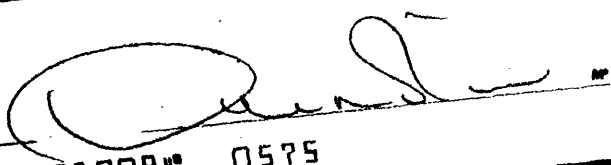
575

29-7003/2213
469

Pay to the Order of Town of New Windsor \$ 300.⁰⁰
Three Hundred & 00/100 Dollars

Vails Gate Branch
ALBANK
A Division of Charter One Bank

For Escrow



⑆226370030⑆ ⑈4690026908⑈ 0575

26476 U3:22 ESCROW

C

DALE R. CLARK
P.O. BOX 441
VAILS GATE, NY 12584

565-3837

Date 5/2/03

574

29-7003/2213
469

Pay to the Order of THE TOWN OF NEW WINDSOR \$ 50.⁰⁰
Fifty & 00/100 Dollars

Vails Gate Branch
ALBANK
A Division of Charter One Bank

For Application Fee



⑆226370030⑆ ⑈4690026908⑈ 0574



**TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS**

APPLICATION FOR VARIANCE



5/2/03 **Application Type:** Use Variance ☐ Area Variance ☐
Date Sign Variance ☐ Interpretation ☐

I. **Owner Information:** Phone Number: () 565-3837
DALE R CLARK Fax Number: ()
(Name)
17 CREAMERY DR, NEW WINDSOR, NY
(Address)

II. **Purchaser or Lessee:** Phone Number: ()
Fax Number: ()
(Name)
(Address)

III. **Attorney:** Phone Number: (516) 534-1545
KEVIN V. BRENNAN, ESQ. Fax Number: (516) 534-4150
(Name)
224 MAIN ST, CUMMINGS, N.Y.
(Address)

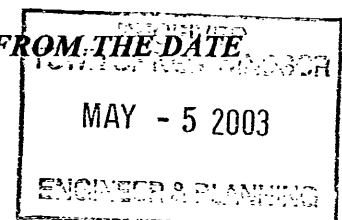
IV. **Contractor/Engineer/Architect/Surveyor/:** Phone Number ()
Fax Number: ()
(Name)
(Address)

V. **Property Information:**

Zone: RESIDENTIAL Property Address in Question: 17 CREAMERY DR
Lot Size: 60 X 179 Tax Map Number: Section 78 Block 1 Lot 11
a. What other zones lie within 500 feet? etc
b. Is pending sale or lease subject to ZBA approval of this Application? etc
c. When was property purchased by present owner? 6/1992
d. Has property been subdivided previously? etc If so, When: _____
e. Has an Order to Remedy Violation been issued against the property by the
Building/Zoning/Fire Inspector? etc
f. Is there any outside storage at the property now or is any proposed? etc

****PLEASE NOTE:*****

**THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE
OF SUBMITTAL.**



03-22

**TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS**

APPLICATION FOR VARIANCE - continued

VIII. AREA VARIANCE: (This information will be on your Building Department Denial form you receive)

Area Variance requested from New Windsor Zoning Local Law,

Section _____, Table of _____ Regs., Col. _____.

	<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Min. Lot Area			
Min. Lot Width			
Reqd. Front Yd.			
Reqd. Side Yd.	10'	3.5'	6.5'
Reqd. Rear Yd.			
Reqd. St Front*			
Max. Bldg. Hgt.			
Min. Floor Area*			
Dev. Coverage*			
Floor Area Ration**			
Parking Area			

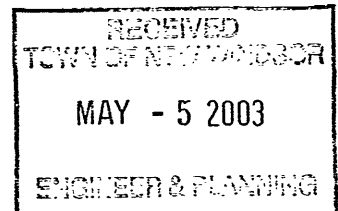
*Residential Districts Only

**Non-Residential Districts Only

PLEASE NOTE:

THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF SUBMITTAL.

03-22



**TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS**

APPLICATION FOR VARIANCE - continued

- IX. In making its determination, the ZBA shall take into consideration, among other aspects, the benefit to the applicant if the variance is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. Also, whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance; (2) whether the benefit sought by the applicant can be achieved by some other method feasible for the applicant to pursue other than an area variance; (3) whether the requested area variance is substantial; (4) whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and (5) whether the alleged difficulty was self-created.

After reading the above paragraph, please describe why you believe the ZBA should grant your application for an Area Variance:

THE EXISTING SHED (EX 10) WAS PLACED AT ITS PRESENT LOCATION SOMETIME BEFORE 6/3/1988, AS INDICATED ON THE SURVEY. WHEN I PURCHASED THE PROPERTY IN JUNE 1992, I HAD NO KNOWLEDGE THAT THE SHED WAS IN VIOLATION.

FURTHERMORE, I HAVE VERY LIMITED SPACE IN MY BACK YARD. WHERE THE SHED IS LOCATED NOW IS LEVEL, THEN THE PROPERTY SEVERELY SLOPES DOWN TO CAESARS LANE. AS A RESULT, I LIMITED AREA TO RELOCATE THE SHED.

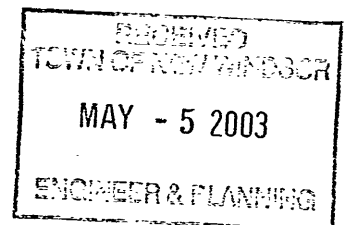
IN ADDITION, I HAVE A CHAIN LINK FENCE LOCATED ON TWO SIDES OF THE SHED. IF I MOVE THE SHED, THE FENCE MUST BE MOVED TOO.

THEREFORE, ANY CONSIDERATION GIVEN IN THIS MATTER WOULD BE GREATLY APPRECIATED.

PLEASE NOTE:

THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF SUBMITTAL.

03-22



XII. ADDITIONAL COMMENTS:

- (a) Describe any conditions or safeguards you offer to ensure that the quality of the zone and neighboring zones is maintained or upgraded and that the intent and spirit of the New Windsor Zoning Local Law is fostered. (Trees, landscaped, curbs, lighting, paving, fencing, screening, sign limitations, utilities, drainage.)
-
-
-

XIII. ATTACHMENTS REQUIRED:

- ☐ Copy of contract of sale, lease or franchise agreement. Copy of deed and title policy.
- ☐ Copy of site plan or survey showing the size and location of the lot, the location of all buildings, facilities, utilities, access drives, parking areas, trees, landscaping, fencing, screening, signs, curbs, paving and streets within 200 ft. of the lot in question.
- ☐ Copies of signs with dimensions and location.
- ☐ Three checks: **(each payable to the TOWN OF NEW WINDSOR)**
- ☐ One in the amount of \$ 300.00 or 500.00 , (escrow)
- ☐ One in the amount of \$ 50.00 or 150.00 , (application fee)
- ☐ One in the amount of \$ 25.00 , (Public Hearing List Deposit)
- ☐ Photographs of existing premises from several angles.

XIV. AFFIDAVIT.

STATE OF NEW YORK)

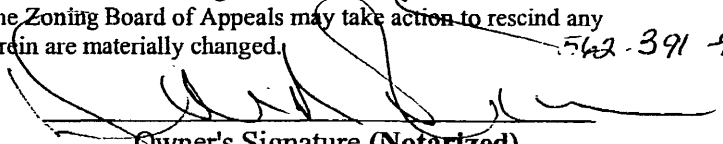
) SS.:

COUNTY OF ORANGE)

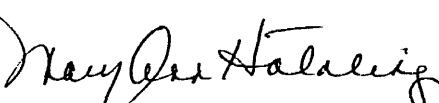
The undersigned applicant, being duly sworn, deposes and states that the information, statements and representations contained in this application are true and accurate to the best of his/her knowledge or to the best of his/her information and belief. The applicant further understands and agrees that the Zoning Board of Appeals may take action to rescind any variance granted if the conditions or situation presented herein are materially changed.

Sworn to before me this:

5th day of May 2003.


Owner's Signature (Notarized)

Owner's Name (Please Print)

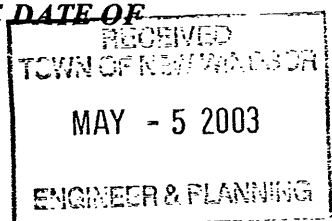


Signature and Stamp of Notary **MARY ANN HOTALING**
Notary Public, State of New York
No. 01HO5062877

Applicant's Signature (If not Owner)

PLEASE NOTE:

THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF SUBMITTAL.



03-22